

JERRY S. BUSBY
Nevada Bar #001107
COOPER LEVENSON, P.A.
3016 West Charleston Boulevard - #195
Las Vegas, Nevada 89102
(702) 366-1125
FAX: (702) 366-1857
jbusby@cooperlevenson.com
Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Victoria Rose, an individual,

Plaintiff,

v.

Smith's Food & Drug Centers, Inc., a foreign
corporation; DOES 1 through 10; and ROE
CORPORATIONS 11 through 20, inclusive,

Defendant(s).

Case No. 2:24-cv-00273-JAD-DJA

**PROPOSED JOINT DISCOVERY PLAN
AND SCHEDULING ORDER**

COMES NOW Defendant, SMITH'S FOOD & DRUG CENTERS, INC., by and through its
counsel, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A., and Plaintiff
VICTORIA ROSE, by and through her counsel, BRIAN M. BOYER, ESQ. of THE INJURY FIRM
and MICHAEL T. NIXON, ESQ. of LADAH LAW FIRM and hereby submit this Proposed Joint
Discovery Plan and Scheduling Order.

Fed.R.Civ.P. 26(f) Conference.

Counsel for the parties participated in the FRCP 26(f) conference on March 4, 2024 and there
were no discovery disputes at that time. The parties agree to exchange their respective initial disclosure
statements in a timely manner. After considering the evidence in this case, counsel for the parties
believe that six months will be needed to complete discovery and be prepared for trial. Accordingly,
after discussing the evidence in this case, counsel for the parties now propose 180 days from the date of
removal to complete discovery. Below, is the parties proposed discovery schedule:

///

1 1. **Discovery Cut-Off Date:** Defendant filed its Notice of Removal on February 8,
2 2024 and the parties are requesting 180 days for discovery from the date of removal inasmuch as no
3 discovery was conducted in State Court prior to removal. Therefore, based upon the status of this
4 litigation and the evidence reviewed by counsel, the parties are requesting six months for discovery
5 in order to be prepared for trial. Thus, the parties request a discovery cut-off date of August 6, 2024
6 – 180 days after removal.

7 2. **Amending the Pleadings and Adding Parties:** The parties request that all motions
8 to amend the pleadings or to add parties be filed no later than May 8, 2024 – 90 days prior to the
9 proposed close of discovery.

10 3. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of
11 experts be made on or before June 7, 2024 – 60 days before the proposed discovery cut-off date.
12 Disclosure of rebuttal experts shall be made by July 8, 2024 – 31 days after the initial disclosure of
13 experts.

14 4. **Interim Status Report:** Under recent changes in the rules, the parties will not file
15 an interim status report previously required by LR 26-3.

16 5. **Dispositive Motions:** The date for filing dispositive motions shall be no later than
17 September 5, 2024 – 30 days after the proposed discovery cut-off date. In the event that the
18 discovery period is extended from the discovery cut-off date set forth in this proposed Discovery
19 Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be not later
20 than 30 days from the subsequent discovery cut-off date.

21 6. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than
22 October 7, 2024 – 32 days after the cut-off date for filing dispositive motions. In the event that
23 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30
24 days after decision on the dispositive motions or until further order of the court. In the further event
25 that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan
26 and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with
27 the time periods set forth in this paragraph.

28 ///

1 7. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.
2 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

3 8. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and
4 conferred about the possibility of using alternative dispute resolution including mediation, arbitration
5 and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be
6 effective at this time as the parties and their counsel believe that it is necessary to conduct discovery
7 before attempting to resolve this case. Counsel further agree that a settlement conference will be
8 beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in
9 submitting this case to arbitration.

10 9. **Alternative Forms of Case Disposition:** The parties certify that they discussed
11 consenting to trial by a magistrate judge or engaging in the Short Trial Program under Fed. R. Civ.
12 P. 73 and at present do not consent to either alternative form of case disposition.

13 10. **Electronic Evidence:** The parties certify that they have discussed and intend to use
14 electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic
15 format compatible with the Court's electronic jury evidence display system. At present, the parties
16 have not agreed upon any stipulations regarding use of electronic evidence but will address this issue
17 again in the Pre Trial Order.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

Respectfully submitted this 21st day of March, 2024.

THE INJURY FIRM

COOPER LEVENSON, P.A.

/s/ Brian M. Boyer
BRIAN M. BOYER, ESQ.
Nevada Bar No. 012185
7391 West Charleston Blvd. - #120
Las Vegas, NV 89117
(702) 291-8007
Attorneys for Plaintiff
VICTORIA ROSE

/s/ Jerry S. Busby
JERRY S. BUSBY, ESQ.
Nevada Bar No. 001107
3016 West Charleston Blvd., #195
Las Vegas, NV 89102
(702) 366-1125
Attorneys for Defendant
SMITH'S FOOD & DRUG CENTERS, INC.

LADAH LAW FIRM

/s/ Michael T. Nixon
MICHAEL T. NIXON, ESQ.
Nevada Bar No. 012839
517 South Third Street
Las Vegas, NV 89101
Attorneys for Plaintiff
VICTORIA ROSE

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE
DATED: 3/22/2024